

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:22-CV-00437-BO

Laboratory Corp. of America,

Plaintiff,

v.

**ASL-DEN, LLC & Athanassious
Papaioanu,**

Defendants.


Order

Defendants ASL-DEN, LLC and Athanassious Papaioanu have asked the court to allow them to put off their Rule 26(f) conference (and thus the start of discovery) until the court resolves their pending motion to dismiss. D.E. 12. The motion attacks the court's ability to assert personal jurisdiction over Papaioanu, Plaintiff's choice of venue, the court's ability to exercise subject-matter jurisdiction over some claims, and the sufficiency of the complaint's allegations. Defendants ask the court to stay discovery since, they argue, the motion to dismiss could eliminate some or all of Plaintiff's claims. So some or all of the time and expense attendant to discovery may be unnecessary.

Plaintiff Laboratory Corporation of America opposes the stay on three grounds. First, it intends to amend the complaint to address the arguments advanced in the motion to dismiss. Second, LabCorp says it needs limited discovery to respond to Papaioanu's personal jurisdictional challenge. And third, it argues that Defendants have not established good cause to stay discovery.

Given that LabCorp intends to file an amended complaint—which may moot the motion to dismiss—the court will grant Defendants’ motion and stay the requirement for a Rule 26(f) conference for the time being. If Plaintiff intends to seek jurisdictional discovery, either now or in the future, it may make a motion to that effect.

Dated: February 13, 2022.



ROBERT T. NUMBERS, II
UNITED STATES MAGISTRATE JUDGE